121 /4 cont./topic. The kinship terminology served as a starting point for this purpose.

/5/ Choice of Working Area

123 631 565 The stranger who intends to carry out an "adat investigation" in South Celebes -- and all ethnological investigations, those concerned with adat law as well as sociological and similar investigations, are so termed by the Makassarese and the Buginese themselves -- first comes in contact with the prince of the province /Landschap/ or with the head of the adat community where he wishes to work. One may not bypass the prince and his kin group /familie/, the nobility, at least not without incurring great difficulties later on. For the consequence of failing to obtain his consent to work in a certain kampong in his domain is that one loses the much needed good will of a large part of his subjects who might otherwise become good informants. Ignoring him is more than just discourtesy; it is an action which, from the point of view of the prince, expresses hostility. A highly placed stranger -- and that, after all, includes every investigator -- is a potential center of power to whom those who might be less favorably inclined toward the prince might be drawn and thereby constitutes a danger for the latter.

123 565 671 Adat investigation among ordinary kampong people is further suspect because, according to the prince and his kinsmen, the little man has no adat, just as, according to the Dutch bourgeoisie of half a century ago, the people had no manners. For a man of the nobility, adat is just that which distinguishes him from the people; his adat is the real one.

123 Here at the same time the danger that threatens one who would begin an investigation with the nobility becomes apparent. He loses the opportunity to obtain an insight into the relationship between high and low, as seen from the standpoint of the latter. Only after I had expressly declared that it was precisely [121] the adat of the common people that I wished to study, because Mr. Friederic had already described that of the prince, was it agreed that I should live elsewhere.

627 /214 cont./ One who acts in this manner does not do so
684 in blind rage. He knows exactly whom he wants to stab. In such a case one speaks of adjallo' (1). A man whose sister

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1. See above, p. 74. It is completely incorrect to speak in such a case of "amuck"; this term covers an entirely different psychic state. Compare Professor van Wulfften Palthe, "De psychologie van de amok /The Psychology of the Amok/," Fakkel, 1941.

fled years ago and who stabbed her to death at an accidental encounter showed no remorse for his deed, but nonetheless was saddened about her death. He lamented the fact that he /215/ had encountered her. Given this encounter, however, he had been unable, as he saw it, to act in any other way unless he wanted to be regarded as a man without honor. Thus he was in a situation in which he saw no other way out than to kill.

627 Led before the judge, a defendant in a similar case
671 generally confesses without hesitation. In answer to the
682 question how he came to do the deed, he reports that the
684 victim -- in the most fortunate case the maltreated person -- made him siri', and he regards this as sufficient motivation because every Makassarese immediately understands this involves his female relatives, and, on the basis of that, sympathizes with his deed.

[695] Once they are sentenced by the judge, the defendants rarely appeal. They accept the decision without further ado. They regard their deed as an honorable male act and not as a misdeed. Toward the judge who must sentence them they want to confess nobly, and they do not want reduced

627 671 682 684 /215 cont./ "punishment." In so doing, they show themselves completely willing to bear the consequences of their deed. In a certain sense they are proud of it. Those remaining behind hold up their conduct as a model for the younger generation. Killing in response to challenge is itself a reason for self-elevation.

586 [626] However long the jail sentence to which a man is subjected in such a case, this is never a reason for his wife to divorce him (1). She would find all her kinsmen opposing her if she

1. Makassarese colonists in Paria reported that their wives were much more faithful than the Buginese, who often re-married very soon once their husbands were absent for a longer period of time, for whatever reason.

[577] should want to take such a step. After all, the husband has shown by his conduct that he is a good man. If, she should want to divorce him now, this could only mean that she is a bad woman, for there could be no other reason than that she wants another man, that is to say, that she is man-crazy (lale).

588 A man and a woman who flee together generally get married in the Moslem manner. But the marriage is not yet "a socially recognized union between members of the opposite sex" (2) with this, for each direct contact between the couple,

2. R. Linton, Study of Man, p. 173.

the tumannjala, and the /216/ tumasiri' is out of the question. The couple knows that their life is in danger in an encounter, and a woman who has fled has no right to inherit property from [428] her parents (1).

114 217 675 425

/252 cont./ dependent. Comparison of the figures accordingly indicates little concerning the actual number of transactions carried out in the respective territorial sections. A general impression can be derived from this register of what is transacted in a certain region. But no conclusions can be drawn with respect to the number of transactions.

Of the 31 transactions recorded in 1948, 6 concern the transfer of a sawah; 5 the transfer of a piece of dry land; 16 the sale of buffaloes, and 2 the transfer of a sewing machine.

The number of buffalo sales probably approaches the actual number most closely, since in the case of transportation -- which is necessary in the sale to one residing outside the seller's adat community -- a buffalo pass is necessary, and some heads exercise a certain pressure for registration in the registry /253/ of the Indonesian Notary when such a pass is issued. The land transactions do not approximate the actual number by an estimated tenth part.

Misdemeanor Registers

114 217 674

In the register of misdemeanors (Rappor Kedjahatan), which is also kept in the adat community office, the violations and misdemeanors that are reported there are entered, and at the same time those against whom the evidence is reported. In the first six months of 1948, 15 were reported there, that is: 9 buffalo thefts, 2 maltreatments, 1 threat with the badik, 2 minor thefts, and 1 assault on a woman. Eight of the 9 buffalo thefts remained unsolved. This register was not introduced until 1948; little can as yet be said about its effect.

[177]

Registers of Legal Matters

114 217 671

The registers of legal matters which are divided into civil and criminal, are kept in the adat community office of Borongloë when they concern "minor" matters that come up before the

114 /253 cont./ Minor Native Law Court (Hadat Ketjil) of
217 Borongloë. The registers of "major" matters handled by the
671 Native Law Court (Hadat Besar) of Goa are to be found in the provincial office in Sungguminasa. In the civil registers are listed name and place of residence of the parties; the demand and the answer; the statements by the witnesses, the decision of the judge, and a single consideration in which is stated how the judge arrived at his decision. Relatively the same applies to criminal matters. These considerations are not directly comparable to those found in the registers of government judges.

Community-Labor Register

114 The kampong head has a register with the names of the
217 men in his kampong who are subject to government corvée,
651 nowadays community labor. This, however, does not list the total number of men able to work because a few kinsmen of the head and a few kampong functionaries are exempted from such labor, and because many heads are inclined to extend the number of exemptions according to their own judgment in order to strengthen their position in the kampong. This register is poorly kept. Old registers are not preserved.

/254/ Overnight Register

114 The kampong head keeps an overnight register (buku
217 bermalan) in which the person who spends the night in a kampong
486 is recorded by his name, his place of residence, the duration of his stay, and name of his host. Its purpose during the turbulent years of 1946 and 1947 was to exercise a certain control over strangers who came into the kampong. Now that this control is no longer so important, a name is entered only now and then so that the book will not be completely blank when a checkup is made. More than 90 per cent of overnight stays were not noted, so far as I was able to observe. The register therefore is of no use in measuring a certain horizontal mobility.

Bali OF7
Lombok OF12

Javanese OE5
Borneo OC1
Makassar OG6
Ternate OH16
Batjan OH7

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Bl
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[450 cont.]

What we have said applies only to those regions where we exercise direct authority. In the lands that retained self-government, the populace continues to enjoy its own administration of justice. This is the case in Surakarta and Djokjakarta on Java, in the states on Borneo's east coast, in the Makassarese and Buginese states, in the states of Ternate, Tidore, and Bachan, on Bali, Lombok, etc. In all these lands the provisions of the adat and the prescriptions of Islam are applied throughout, not only in civil but also in criminal cases. The Netherlands Indies Government exerts influence only to the extent of opposing the application of cruel and mutilating punishments. In some courts it has even become the rule to impose only the punishments that are specified in the criminal code of law for natives. Moreover, the provision that the death penalty may not be executed without the consent of the Governor General and places of exile are to be designated by the Government is often applied. Trial by ordeal is also often prohibited. Finally, here and there a local official is authorized to attend the sessions of the court, to direct its activities, and to give advice. Although we thus see that even in the [451] lands that have retained self-government the sphere of native law has become more and more restricted by the application of European principles of justice, it is different in those regions that belong to us only in name and have remained wholly or largely outside our influence, such as in the interior of Sumatra, Borneo, and Celebes and on New Guinea, not to mention the smaller islands. In the sphere of the administration of justice the ancestral institutions are still found unchanged here, and we shall now discuss them.

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b. Law of Vengeance

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We have just used the word composition. By this is to be understood the milder form of the civil law of vengeance,

[481 cont.]

Malays

MI 671 Among the Malays, too, there are writings in which the adat has been codified. They bear the name Undang-undang. Many of them originated in the state of Malacca. There is the Undang-undang negeri Malaka, compiled by the order of Sultan Morafar Sjah (1334-1374), so that his state administrators would make no mistakes in the administration of justice. Actually, Morafar Sjah only provided a new edition, because the code itself had been prepared by Iskandar Sjah, the founder of Malacca (1249-1274). These Undang-undang contain a complete compilation of civil legislation and criminal law. They consist in large part of the original customs of the country, although they also contain provisions borrowed from Mohammedan law. Besides these there is a number of other Undang-undang that we shall not mention (1).

1. See page 201.

MK 671 We shall not discuss the law codes of the Buginese and Makassarese; something was said about them when the literature of these peoples was discussed (2). [482] [Blank page.]

2. See page 225.

[483] Chapter 21. Diseases

a. Albinism; b. Struma and Cretinism;
c. Skin diseases; d. Blood diseases;
e. Acute diseases; f. Insanity.

a. Albinism

I 142 164 We have already said something about the outward appearance of the races that inhabit the Malay Archipelago. In